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**MINUTES**

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HON. MARK E. FULLER, PRESIDING

AT MONTGOMERY, AL

DATE COMMENCED: 11-08-05

AT: 9:05 a.m.

DATE COMPLETED: 11-10-05

AT: 9:45 p.m.

UNITED STATES OF AMERICA

vs.

GEORGE DAVID SALUM, III.

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§

CR NO. 2:05CR137-F

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GOVERNMENT

APPEARANCES:

DEFENDANTS

Dixie Angela Morrow

Julian McPhillips  
Allison Highley

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COURT OFFICIALS PRESENT:

Jimmy Dickens, Court Reporter

Barbara Wells, Law Clerk

Kelli Gregg, Courtroom Clerk

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JURORS

1. David George Simonton

3. Peter David Talamonti

5. Shannon R. Sharp

7. Andra Vonzeld Smith

9. Sandra Kay Warren

11. Melvin Gene Zuback

13. Joel Eric Plake

2. Rosemary C. Burson

4. Casey M. Dillard

6. Judith K. Simmons

8. Robert E. Slocumb

10. Renate M. Kaase

12. Lori Ann Striblin

14. Carmen Renee Estes

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**COURTROOM PROCEEDINGS:**

**JURY TRIAL**

**DAY ONE**

**11-8-05**

9:05 a.m. - Court convenes.  
The Witness Rule is invoked.

Court gives preliminary instructions to the jury.  
Opening statements begin. The Government takes 18 minutes. Defense takes 20 minutes.  
Court gives additional instructions to the jury.  
Defense counsel (at side bar) Motions the Court for a Mistrial because they were not provided Jenks Act Material one day prior to testimony of witnesses by the Government.  
Government states that they were not asked for any Jenks Act Material.  
Court DENIES Motion for Mistrial by defense counsel.  
Government calls their first witness Gregory Borland to testify.  
Defense counsel objects (at side bar) to Government's exhibit #1 being admitted into evidence and Motions the Court for a Mistrial.  
Court DENIES defense counsel's Motion for a Mistrial.

10:35 a.m. - Court is in recess.  
10:50 a.m. - Court reconvenes.  
Defense counsel begins cross-examination of witness Borland.  
Government begins re-direct.  
Government calls David W. Warren to testify.  
Defense counsel begins cross-examination of witness Warren.  
Government begins re-direct.  
Defense counsel begins re-cross examination.

12:10 p.m. - Court is in recess.  
1:23 p.m. - Court reconvenes.  
Defense counsel asks (outside the presence of the jury) what the Government plans to proffer with their next witness to be called.  
Government responds to this request.  
Government calls Johnny G. White, Jr. to testify.

2:53 p.m. - Court is in recess.  
3:15 p.m. - Court reconvenes.  
Defense counsel begins cross-examination of witness White.  
Government begins re-direct.  
Defense counsel Motions the Court for a Mistrial.  
Court DENIES Motion for a Mistrial.  
Defense counsel begins re-cross examination.  
Government calls Anthony Winston to testify.  
Defense counsel begins cross-examination.  
Government calls Michael E. Davis to testify.  
Defense counsel begins cross-examination of witness Davis.  
Government calls Mark L. Hartley to testify.  
Defense counsel cross-examines witness Hartley.  
Government calls Dennis Bodine to testify.  
Defense counsel cross-examines witness Bodine.

5:30 p.m. - Court is in recess.

**DAY TWO**

**11/9/05**

9:05 a.m. - Court convenes.  
Government calls Richard E. Moore, Jr. to testify.  
Defense counsel cross-examines witness Moore.  
Government begins re-direct.  
Defense counsel begins re-cross examination.

10:15 a.m. - Court is in recess.

10:40 a.m. - Court reconvenes.  
Government calls Mark D. Fox to testify.  
Defense counsel cross-examines witness Fox.  
Government calls Shannon C. Youngblood to testify.  
Defense counsel cross-examines witness Youngblood.  
Government begins re-direct.  
Defense counsel begins re-cross examination.  
Government calls David J. Wizorek to testify.  
Defense counsel cross-examines witness Wizorek.  
Government calls Matthew Kallman, Jr. to testify.  
Defense counsel cross-examines witness Kallman.  
At side bar outside the hearing of the jury, defense counsel Motions the Court for a Mistrial.  
Court DENIES Motion for Mistrial.  
Government begins re-direct.  
Defense counsel begins re-cross examination.

12:10 p.m. - Court is in recess.

1:00 p.m. - Court reconvenes.  
Government calls J.E. King to testify.  
Defense counsel cross-examines witness King.  
Government recalls Gregory Borland.  
Defense counsel cross-examines witness Borland.  
The Government rests at this time.  
Defense counsel Motions the Court for a Directed Verdict at this time and also docketed as document (#83).  
Government responds to defense counsel's Motion for a Directed Verdict.  
Court DENIES Motion for a Directed Verdict at to both counts.  
Defense counsel calls their first witness Keith Baker to testify.  
Government begins cross-examination of witness Baker.  
Defense counsel begins re-direct.  
Defense counsel calls Cubie Ray Hayes to testify.  
Government cross-examines witness Hayes.  
Defense counsel begins re-direct.  
Government begins re-cross examination.  
Defense counsel calls William Caulfield to testify.  
Government cross-examines witness Caulfield.

Defense counsel begins re-direct.  
2:45 p.m. - Court is in recess.  
3:20 p.m. - Court reconvenes.  
Defense counsel discusses, outside the presence of the jury, document (#82) Motion to Enforce Subpoena.  
Court addresses the Motion to Enforce Subpoena.  
Defense counsel calls Derick Wilson to testify.  
Government begins cross-examination of witness Wilson.  
Defense begins re-direct.  
Defense counsel calls Janice H. Hopkins to testify.  
Government begins cross-examination of witness Hopkins.  
Defense counsel calls Steve Searcy to testify.  
Government begins cross-examination of witness Searcy.  
Defense counsel begins re-direct.  
Defense counsel calls Sonya Salum to testify.  
Government begins cross-examination of witness Salum.  
Defense counsel begins re-direct.  
5:00 p.m. - Court is in recess.

**DAY THREE**  
**11/10/05**

8:30 a.m. - Court convenes.  
Defense counsel calls George David Salum, III. to testify.  
Defense counsel (at side-bar) Motions the Court for a Mistrial.  
Court DENIES Motion for a Mistrial.  
Government begins cross-examination of witness Salum.  
10:35 a.m. - Court is in recess.  
10:55 a.m. - Court reconvenes.  
Defense counsel begins re-direct.  
Defense counsel rests at this time.  
At side bar Court DENIES AS MOOT Motions to Enforce Subpoena (Doc. #82 and #84).  
Defense counsel Renews their Motion for a Directed Verdict as previously argued.  
Government argues their position as previously stated.  
Court will DENY Motion for a Directed Verdict for same grounds as previously stated.  
Government calls J.M. Drinkard as a Rebuttal Witness to testify.  
Defense counsel cross-examines witness Drinkard.  
Government calls Jeffrey Downs for Rebuttal testimony.  
Defense counsel cross-examines Downs.  
Government begins re-direct.  
Government rests at this time.  
Defense counsel Motions for a Directed Verdict as previously set forth.

Government relies upon their prior arguments.  
Court DENIES defendant's Motion for Judgment of Acquittal.

11:40 a.m. - Court is in recess.

11:40 - 12:00 p.m. - Charge conference with counsel.

1:00 p.m. - Court reconvenes.  
Closing arguments begin. Government takes 35 minutes and Defense counsel takes 40 minutes.  
Court give instructions to the jury.  
Court dismisses two alternates.

3:00 p.m. - Jury deliberations begin.

4:35 p.m. - Court reconvenes to answer question of the jury.

4:50 p.m. - Court is in recess.

6:40 p.m. - Court reconvenes to answer question of the jury.  
Defense counsel Motions for a Mistrial.  
Court DENIES Motion for a Mistrial.

6:55 p.m. - Court is in recess.

7:08 p.m. - Court reconvenes to give further instructions to the jury.

7:10 p.m. - Court is in recess.

8:20 p.m. - Court reconvenes to answer question of the jury.

8:35 p.m. - Court is in recess.

9:35 p.m. - Court reconvenes.  
The jury verdict of guilty is rendered and accepted into the record by the Court.  
Defendant will be released on bond pending sentencing.

9:45 p.m. - Court is in recess.